

1/29/01

SUPREME COURT OF LOUISIANA

No. 00-KK-0850

STATE OF LOUISIANA

Versus

SIDNEY COTTON

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF WASHINGTON

CALOGERO, Chief Justice, Concurring

I concur in the majority's upholding the lower courts' rulings denying the State's *Prieur* motion. The State had two opportunities, yet failed to introduce sufficient evidence of whether the defendant's prior acquittals tend to prove any of the 404(B) factors for which the evidence is offered, i.e., whether the evidence has any probative value.